

SMARA UPDATE



The Quarterly Newsletter of the Department of Conservation - Office of Mine Reclamation

Department of Conservation's Strategic Plan Complete

Having recently moved from the Trade and Commerce Agency, located in the same building as the Department of Conservation, to become the new Assistant Director for OMR, I am struck at not only how similar the physical surroundings are, but the management issues as well (maybe if you've seen one state agency you really have seen them all ... nah). What an eye opener it was for me when my secretary told me that my first

day with the Department of Conservation would be spent in an eight hour strategic planning session!

Having been through several strategic planning cycles with the Trade and Commerce Agency, I figured the Conservation experience would be pretty much the same old stuff. I must admit, however, that I have been surprised by some of the new wrinkles associated with this department's planning effort that I think make it meaningful and relevant. Here are a few of my observations:

- **The Stakeholders.** There is an unusually high level of focus on the department's stakeholders. While stakeholders and stakeholder needs are the foundation of all planning efforts, too often plans and strategies are crafted based on what the organization thinks its stakeholders need, rather

(Continued to page 2)

El Dorado County Update

The lawsuit between the Department of Conservation and the County of El Dorado has been awaiting a ruling on a demurrer filed by the county alleging the department did not have sufficient grounds to sue the county. As this publication was going to press, the judge issued a ruling in favor of the department. Judge Winslow Christian held that the official responsibilities of the director of the Department of Conservation give the director standing to seek judicial review of an action taken by a lead agency under the Surface Mining and Reclamation Act. According to Judge Christian, there is no equivalent administrative remedy to be exhausted before seeking such a review and that such an action by the director does not conflict with the powers of the State Mining and Geology Board. Pending the county's decision to appeal this ruling, the lawsuit may now proceed.

Andrew Rush,
Environmental Specialist III

CONTENTS

<i>DMG Conducts Classification Workshop</i>	
<i>In Fresno</i>	3
<i>AMLU's Toll Free Number</i>	3
<i>Message from the Director</i>	4
<i>Reclamation Tips</i>	5
<i>SMARA MOU Being Updated</i>	6
<i>SMARA Lead Agency Awards to Get a Facelift</i>	6
<i>Executive Officer's Report</i>	7
<i>The Abandoned Mine</i>	
<i>Lands Unit</i>	8
<i>Compliance Corner</i>	9
<i>Financial Assurance Tips</i>	11

Department of Conservation's Strategic Plan Complete

(Continued from page 1)

than doing the work necessary to confirm those assumptions. Not only were stakeholder focus groups convened early in the planning process, but stakeholder input was sought to validate the plan as it entered its final stages. The validation process involved internal as well as external stakeholders, and was designed to ensure that the department's goals, objectives, and performance measures are in line with stakeholder needs.

• **Leadership Evaluation.** As part of the planning process, managers at the department have undergone an evaluation process whereby peers, superiors, and subordinates rated their leadership abilities and characteristics. This evaluation is helping department managers identify areas of improvement and become more cognizant of the special skills needed to manage offices and divisions in an organization like the Department of Conservation.

• **Upper Management Support.** The planning effort has been supported at the top, with Director Larry Goldzband playing an active role. Our philosophy is that top level

support is critical if senior and middle management is expected to embrace the strategic planning effort and, more important, involve their respective staff in a meaningful way.

The Office of Mine Reclamation has developed its own action plan in support of the department's goals, so I thought it would be worth spending a little time discussing our plans and how they will improve the quality of service OMR offers to local government and industry.

Goal #1 in the department's strategic plan is to *reduce adverse impacts to the environment and risks to public health and safety from mineral extraction activities*. In support of this goal, OMR will seek to improve SMARA compliance and mitigate risks associated with abandoned mines by:

- Reviewing and commenting on all reclamation plans in a more timely manner, and conducting site visits for 30% of the plans reviewed.
- Increasing outreach through more lead agency visits and participation in workshops and conferences.
- Improving assistance relative to financial assurance by increasing the annual number of assurances reviewed.

- Filling a key gap by conducting inspections at 50% of the mining operations that do not receive an annual inspection by the local lead agency.
- Inventorying and characterizing abandoned mines statewide through field work and data analysis.

The department's Goal #4 is stated simply as *improve service to all internal and external stakeholders*. Objectives include improving the department's technological capabilities, developing its work force, and using stakeholder input to continuously improve services. In support of these objectives, OMR is committed to:

- Improving the office's use of its web site, databases, and GIS systems.
- Providing enhanced training opportunities for OMR staff.
- Establishing electronic communication with stakeholders via the internet and OMR web site.

Consistent with the department's overall mission, the remaining strategic plan goals are to *reduce loss of life and property damage caused by earthquakes, landslides, and other geologic hazards*, and to *promote the long-term*

(Continued to page 3)

DMG Conducts Classification Workshop in Fresno

By Rinda Etzold, Staff Analyst and Les Youngs, Associate Engineering Geologist

On September 30, 1998, the Division of Mines and Geology (DMG) conducted its first mineral land classification public workshop. The workshop was held in Fresno and consisted of an overview of the recently completed draft report, "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California."

In the past, the DMG developed mineral land classification reports without the benefit of a public review and comment process. However, the state geologist recommended this procedure be changed in order to better serve the public's interests. As a result, the State Mining and Geology Board (SMGB), which approves the reports, directed the DMG to conduct a public workshop in advance of publishing each new mineral land classification report or update report.

The workshop was attended by representatives from the

Fresno County Planning and Public Works Departments, as well as representatives from the mining industry and consulting firms. It was moderated by John Parrish, executive officer of the SMGB. Les Youngs and Russell Miller, authors of the mineral report, presented their findings to the 18 workshop participants. As part of the presentation, the draft report's electronically compiled and updated classification maps were also displayed for review. A question and comment session was conducted after the authors' overview.

Although it was the first of its kind, the workshop was very successful in generating public interest and comments.

Remarks received from the lead agencies, mining industry, and the general public will help to ensure the report is accurate, timely, and beneficial to a greater number of DOC/DMG constituents. All pertinent comments are under review and amendments to the report and classification maps will reflect the input gained from the workshop. After changes to the report have been made, the report will be printed by the DMG and sent to the SMGB for transmittal to the appropriate lead agencies. Those agencies will then have a period of 12 months in which to incorporate the report information into their general plans.

Department of Conservation's Strategic Plan Complete

(Continued from page 2)

availability of land, mineral, and agricultural resources.

While our strategic plan looks three years into the future and establishes performance measures through the year 2001, it is by no means a "static" document. Continual stakeholder feedback, process improvement, and performance evaluations are all critical to the department's and plan's success. Additional information about the department's strategic plan can be found on our web page at www.consrv.ca.gov, or by calling this office at (916) 323-9198.

*Glenn Stober,
Assistant Director*

The Abandoned Mine Lands Unit now has a toll free number for the public to use to report abandoned mines. If you know of or find an abandoned mine please call:

1-877-OLD MINE

Entering abandoned mines is dangerous. Don't become a statistic. Remember:

Stay out and stay alive!

Message from the Director



LarryGoldzband

The end of 1998 brings with it a changing of the guard in California government. Along with a new governor and various other elected officials, we'll have new people at the top of many state agencies, including the Department of Conservation. I leave with a profoundly greater understanding of our vital mining industry and the often complex issues that surround it.

After eight years of Governor Wilson's leadership, I'll pose this question: Is California's mining environment any better than it was eight years ago? For a number of reasons, the answer is yes.

More than ever, mine operators and local lead agencies recognize the relevance of the Surface Mining and Reclamation Act. It is the link between producing the mineral

products important to our daily lives and protecting California's environment.

When legislation added financial assurances to SMARA in 1991, California gained greater assurance that effective mine reclamation would follow the cessation of mining activity. In the years since, there has been a significant increase in compliance with SMARA's twin safeguards of locally approved reclamation plans and financial assurances.

In addition to environmental benefits, increased compliance helps level the playing field for mine operators who follow the law. The Department of Conservation, in tandem with local lead agencies, has become increasingly vigilant against operators who would pay lip service to SMARA and use noncompliance to gain a competitive business advantage.

Lead agencies that have been diligent in their administration of SMARA have done so to the betterment of the local environment and the local economy. In recognition of their efforts, the Department of Conservation instituted the annual SMARA Lead Agency Awards. In the years ahead, this award will continue to provide incentive for lead agencies to insist on compliance from themselves and the mines in their jurisdictions.

Finally, it should be noted that the longstanding issue of abandoned mines, and what to do about them, is being addressed. Groundwork laid by the Abandoned Mines Task Force and the department's Abandoned Mine Lands Unit paved the way for the department's new program to map locations and categorize hazards at thousands of sites where mining occurred before passage of SMARA. The project will lead to greater public safety as historic mines are identified and those that pose hazards are ultimately reclaimed.

During this decade, California has established sound approaches to mining and mine reclamation that balance business success with environmental and public safety. I encourage everyone with a vested interest in mining -- from state and local regulators to mine owners and operators -- to make SMARA compliance a top priority. Californians deserve nothing less.

Reclamation Tips



Hey, what are those cracks doing on my reclaimed slope?

Cracks that form on a hillslope may indicate one of several different processes is occurring. Cracks may form in fill that has been placed during a construction or mining project when the loose earth materials later consolidate, or cracks may form because organic components in the soils break down and leave voids which later collapse. Cracks may also result from dewatering or may be surface expressions of faulting.

A *scarp* refers to a sharp break in an otherwise uniform land surface. The term scarp is a variation of *escarpment*. The French word *escarpe* was derived from the Gothic word *skrapa*, which describes a steep slope or cliff. (No, *escarpe* is not related to *escargo*!)



Arcuate, linearly continuous cracks found on a hillslope may

sometimes be forerunners to scarps. Scarps reflect a different process at work than simple consolidation. Scarps are tensional features that may evolve from cracks, particularly on steeper ground. Scarps are steps in the topography where a break forms at the interface between the inboard, more stable portion of the slope, and the unstable, outboard portion of the slope. Scarps form as the slope material progressively fails and begins to move downhill.



When they form, scarps indicate that the driving forces working on a hillslope are overwhelming the resisting forces, which hold up the slope. The driving forces are those that, in effect, add weight to the slope, driving it in a downhill direction.

Whereas, the resisting forces are those which hold up the slope. Examples of driving forces are water soaking into clay-rich material, adding weight to the slope. Another, seismic loading during an earthquake, accelerates the gravitational forces on the

slope, adding to the driving forces and decreasing the stability of a slope. Removal of the toe of the slope, by stream erosion or excavation for example, may decrease the resisting forces acting on the slope. On the other hand, cohesive qualities may bind together the materials that comprise the slope and increase the resisting force. For instance, crystalline bedrock has a potentially huge inherent resisting force.

Scarps indicate unstable slopes when present at a mine site or construction site, or even in a natural landscape in native ground. Their formation may be taken as a sign of unstable ground that may eventually develop into a landslide. Because scarps are indicators of the stability of a slope, their formation should be taken as something of an omen. Scarps should be closely monitored if present on a mine site and remedial action taken when needed.

Mike Sandeck,
Engineering Geologist

Editor's Note: The source for last edition's Reclamation Tips entitled "Ecological Restoration and the 'R' Words" was not cited with the article. The citation is Rehabilitation of Disturbed Lands in California: A Decision-Making Guide (in prep.) by Gail Newton, Vic Claassen, and Karen Wiese.

SMARA MOU Being Updated

In early October, officials from the Department of Conservation, the Bureau of Land Management, and the U.S. Forest Service met to discuss revisions to a Memorandum of Understanding between the three parties dealing with the reclamation of surface mining operations on federal lands. The current MOU is six years old and due for its periodic revisitation.

Initiated in 1979 to coordinate surface mining regulation in accordance with SMARA, the MOU's purpose is to:

- 1) Assure the application of adequate and appropriate reclamation throughout the State of California; 2) simplify the administration of surface mining and reclamation practice requirements on federal lands and on a combination of federal and private lands; 3) achieve coordination of activity governing reclamation; and 4) eliminate duplication among the state, BLM, Forest Service, and counties serving as lead agencies in implementing state and federal requirements.

The MOU has been a useful tool in ensuring that the goals of SMARA are achieved for mining operations on land

under the jurisdiction of the federal government. The recent discussion between the DOC and its two federal partners centered on enhancing the financial assurance portion of the MOU and clarifying some of the existing language.

The three agencies hope to have a revised draft MOU completed early in the new year. We welcome all comments from our stakeholders. The MOU is available for your review on the OMR web page in Adobe's Portable Document Format (PDF) at www.consrv.ca.gov/omr/mou/article.htm. Copies may also be obtained by calling this office at (916) 323-9198.

*Glenn Stober,
Assistant Director*

SMARA Lead Agency Awards to Get a Facelift

For the past four years the Department of Conservation has been recognizing lead agencies who have shown a commitment to responsible mining practices that comply with the state's Surface Mining and Reclamation Act by issuing them a SMARA Lead Agency

Award. These awards have helped foster better state/local partnerships and improve the quality of mined land reclamation.

While the awards have been a success, it is time to reevaluate the program in order to sustain interest and generate greater incentive for both lead agencies and the industry to participate. The department is considering creating a number of different awards. While we will continue to recognize the efforts of lead agencies, we want to start recognizing operators who have demonstrated an on-going commitment in their reclamation of mined lands as well as new operators who have prepared outstanding reclamation plans.

Because of this reevaluation of the program, lead agency awards will not be announced this coming spring. In their place, we hope to publish what the new awards will be and their qualifying criteria. Any questions, comments or ideas regarding the new awards should be directed to Andrew Rush at (916) 323-9198.

*Andrew Rush,
Environmental Specialist III*

Executive Officer's Report

At its July 9, 1998 regular business meeting held in Sacramento, the State Mining and Geology Board took the following actions on these SMARA issues:

1. The board certified new surface mining ordinances for the County of Mono and the City of Oroville. These new certifications are a result of the board's program to encourage lead agencies with pre-1991 ordinances to bring their ordinances into accordance with current SMARA.

At its September 10, 1998 regular business meeting held in Santa Clara, the board took the following actions on these SMARA issues:

1. The board certified new surface mining ordinances for the County of Tehama and the Cities of Needles and Lathrop. These new certifications are a result of the board's program to encourage lead agencies with pre-1991 ordinances to bring their ordinances into accordance with current SMARA.
2. The board determined that pursuant to PRC §2774.5 the surface mining ordinances for the following SMARA lead agencies are not in accordance with SMARA and declared them deficient:

Counties: Fresno, Monterey, Nevada, Placer, San Benito, San Bernardino, San Mateo, Sonoma, and Ventura; and Cities: Amador, Auburn, Azusa, Banning, Compton, Corona, Folsom, Fontana, Fresno, Healdsburg, Jackson, Lake Elsinore, Marina, Oceanside, Pacifica, Poway, Redlands, Rialto, Riverside, Rocklin, San Jacinto, St. Helena, Sand City, Santee, Sutter Creek, Taft, Vista, and Yreka.

3. The board presented the Department of Conservation's 1997 SMARA Lead Agency Award to the City of Fremont. Mr. Angus Morrison, Mayor, was present to accept the award.

4. The board adopted regulatory language implementing Article 12, Sections 3900 et seq., Chapter 8, Division 2, Title 14 of the California Code of Regulations dealing with the processing of administrative penalty petitions received by the board.

At its November 12, 1998 regular business meeting held in Sacramento, the board took the following actions on these SMARA issues:

1. The board certified new surface mining ordinances for the Counties of Sierra and Sutter, and the Cities of Healdsburg and Montague. These new certifications are a result of the SMGB's program to encourage lead agencies with pre-1991 ordinances to bring their ordinances into accordance with current SMARA.

The following cities have elected to not continue as SMARA lead agencies because there are no longer active mines within their jurisdictions: Colma, Orange, Plymouth, Red Bluff (Tehama County has jurisdiction), Santa Barbara, and Sand City.

The board is acting as SMARA lead agency for the following jurisdictions (cities) which have surface mines within their jurisdictions, but have not yet produced a surface mining ordinance for certification by the board: American Canyon, Barstow, Chino Hills, Chula Vista, Lompoc, Palm Springs, Pasadena, Truckee, and Twentynine Palms.

The following lead agencies have not provided the board with revised surface mining ordinances within the time frame established by SMARA, and the board has temporarily assumed SMARA authority for these lead agencies for the review and approval of reclamation plans (other SMARA authorities remain with the lead

(Continued to page 8)

Executive Officer's Report

(Continued from page 7)

agencies): Contra Costa, Madera and Mendocino counties; the cities of Arcadia, Bakersfield, Los Angeles, Oakland, Richmond, Rolling Hills Estates, and San Diego.

2. The board accepted Shasta County's new Mineral Resource Management Policies, Element 6.3 Minerals, of the county's Revised General Plan. The board commended Shasta County for an excellent job in writing its MRMP. The county was the subject of a county-wide mineral classification report prepared by the Division of Mines and Geology and accepted by the board earlier.

3. The board adopted resolutions approving surface mine reclamation plans for the Caltran's pits: Brockman Material Site #116, Cartago North Material Site #301, Round Valley Material Site #141, Stateline Material Site #170, and Sunland Material Site #116-17. These sites, all located in Inyo County, were appealed to the board for review and approval pursuant to PRC §2770(e).

4. The board granted a request by Michael R. Evans for exemption from the requirements of SMARA under PRC §2714(f) for proposed one-time minor land leveling activities on 7.5 acres of

agricultural land in Kings County. The county supported the application. The board determined that this one-time, short-lived activity, was primarily an agricultural activity and would create only minor land disturbance.

5. The board approved the "Third Report and Findings in the Matter of El Dorado County's SMARA Compliance Record" as recommended by the board's Policy Committee. The report concludes that, although the county is making progress toward achieving compliance of its surface mines, the county is substantially short of its goal of 100% compliance. The committee recommended the board continue its investigation of the county's compliance record.

6. The board accepted advisory recommendation language from the Legislation and Regulations Committee clarifying language in SMARA relating to the following areas and issues:

"Restoration of Land" (PRC §2714[a])

"Other Land Improvements" (PRC §2714[b])

Thresholds of disturbance as lifetime amounts (PRC §2714[d])

Federal Assessment Work (PRC §2714[e])

Interim Management Plan renewals (PRC §2770[h][1])

Reclamation of abandoned mine sites according to minimum SMARA standards

Approval of financial assurances by SMGB

Performance of annual mine inspections by individuals

(PRC §2774[b])

John G. Parrish, Ph.D.

Executive Officer

The Abandoned Mine Lands Unit

Last year a new non-SMARA program was funded in the Office of Mine Reclamation, the Abandoned Mine Lands Unit (AMLU). This program is charged with locating, inventorying and characterizing the state's historic and inactive mines. Why do this? Old mines that ceased operations before reclamation was required are causing various safety and environmental problems throughout the state. In fast growing areas of the state and high use recreational areas, these old mines can cause a very real safety

(Continued to page 9)

The Abandoned Mine Lands Unit

(Continued from page 8)

threat to the general public. In other states around the country, identification of historic and inactive mines has been the first step in obtaining state and federal funding to help cleanup some of the more serious problem sites and to close dangerous adits and shafts.

There are an estimated 30,000 historic and inactive mines in California for the AMLU to inventory. To tackle this enormous task in a logical fashion, the unit will use a watershed approach that begins in the areas with the highest potential threat to public health and safety and the environment.

The AMLU is using a combination of new technologies (i.e. geographical information systems, global positioning systems, etc.), literature research and field work. Existing databases previously developed by the Division of Mines and Geology (DMG) and the U.S. Bureau of Mines form the foundation of our research, with the DMG library providing a wealth of information. Field data collection which may be performed include photographic documentation, mapping, water pH, soil paste pH, electrical conductance (EC), temperature, dissolved oxygen, TDS, acid

reactivity, turbidity and flow measurements.

The AMLU encourages people to be safe by staying out of mines and to call a toll free number (1-877-OLD MINE) to report historic mine sites. Local knowledge is often the best resource for historic and inactive mine information. This number will allow stakeholders in California's watersheds to easily contribute to the inventory.

*Gail Newton,
Manager for the AMLU*



Compliance Corner

SMARA Annual Inspections

Editor's Note: The following is part two of a three-part series on conducting annual SMARA inspections. This article is excerpted from the material provided at the inspection and cost estimating workshop conducted last July.

Part II: Conducting the Inspection

Pre-inspection Preparation

1) Review the following documents:

- Approved Mining/Reclamation Plan
- Conditions of Approval
- Site Maps and Cross Sections
- Financial Assurance Cost Estimate
- Inspection Report Form
- Last Year's Inspection Report Form
- Correspondence File

2) Contact the operator to schedule the inspection.

3) Review key issues from other regulatory agencies. If necessary, contact those agencies for updated information or to schedule a joint inspection.

(Continued to page 10)

Compliance Corner

(Continued from page 9)

4) Verify the operational condition of necessary field equipment. Basic inspection equipment should include:

Inspection Equipment

- Auto Focus Camera or Video Camera
- Measuring Tape/Wheel
- Compass
- Clinometer
- Binoculars
- Clip Board

Personal Safety Equipment

- Hard Hat
- Steel Toe Boots
- Safety Glasses
- Ear Plugs
- Cellular Phone or Radio
- First Aid Kit
- Water

INSPECTION

1) Upon arrival proceed directly to the mine operations office or prearranged meeting location. Always check in before proceeding with the inspection and check out before leaving the site.

2) Prior to initiating the actual inspection, spend time with the operator to discuss your inspection requirements and expectations. Refer to the reclamation plan and conditions of approval to determine current compliance status (it is helpful if this is done while in the office where the operator's

records are normally kept). In addition, have the operator identify current working areas and describe any reclaimed areas using the site map as a reference. This information will help determine which areas of the site warrant closer scrutiny.

3) Be aware of heavy equipment movements and abide by all warning/traffic signs. It is not uncommon for mine sites to have traffic rules that differ substantially from common driving practices. For example, some operations require driving on the left side of the roadway.

4) Be sure to visit all areas of the site subject to the mining/reclamation plan.

5) During the inspection tour, refer to the permit, reclamation plan and financial assurance documents for key inspection issues and discuss this information with the operator.

6) Where possible, resolve minor issues during the inspection in order to avoid extensive paperwork later. Correction of minor deficiencies may also be expedited by allowing the operator to eliminate the deficiency before the final report is prepared.

7) Take photographs and/or video of the overall site and prepare field notes on any

deficiencies or violations.

8) Compare the financial assurance cost estimates with the physical location. Do volumes, structures, debris, equipment, acreage, and revegetation estimates seem reasonable? If salvage value is being allowed, what is the condition of the equipment? Is the site kept tidy or would it require a lot of clean-up?

POST INSPECTION

1) Complete the Surface Mining Inspection Report form (MRRC-1). Instructions and codes are provided on the back of each page.

2) Label pictures and/or video with the location and date.

3) Prepare a simple site map that shows picture and/or video locations.

4) If necessary, send the operator a letter that details all violations, corrective actions needed, agreements and any important deadlines. A copy of this letter should also be sent to the Department of Conservation. It is important that the lead agency follow-up on established deadlines and verify completion of all corrective actions.

5) If violations or problems are found that fall outside of the

(Continued to page 11)

Compliance Corner

(Continued from page 10)

lead agency's jurisdiction, notify the appropriate regulatory agency.

6) Distribute the Surface Mining Inspection Report as follows:

White - Operator
Green - Office of Mine Reclamation
Pink - Retained by lead agency
Goldenrod - Operator
Canary - USFS, BLM or NPS (as appropriate)

*Tim Kustic,
Principal Compliance Engineer*



Financial Assurance Tips

What are surety companies and how do I find out about them?

A surety is an arrangement whereby one party becomes answerable to a third party for acts of a second party.

Most large property and casualty insurance companies have surety departments. In addition, there are some companies for which surety

bonds make up all or most of their business.

In either case, in order for a company to write a surety bond in the United States, it must be licensed by the insurance department of one or more states. While there are some exceptions, generally a surety company is required to be licensed by the state in which it is doing business or by the state where the obligation guaranteed by the bond is being performed.

Since companies that write surety bonds must be licensed by the state insurance department, an obvious source of information is the insurance department itself. The insurance department of the state in which the surety company is domiciled will usually have the most information about the surety as it is responsible for performing periodic examinations of the company. The California Department of Insurance maintains a list of authorized insurers on its web page at www.insurance.ca.gov.

The United States Treasury Department also maintains a list of surety companies that it has qualified to write surety bonds required by the U. S. Government. Known as Department Circular 570, this list is published in the Federal Register once a year on July 1.

It can also be found on the Treasury Department's web page at www.fms.treas.gov/c570/index.html.

Most surety bonds are issued through insurance agents and brokers who in many instances can provide much information regarding a specific surety company. Professional agents or brokers specializing in providing surety bonds will often have the U.S. Treasury Circular 570 and the Best's Insurance Reports, Property-Casualty. Names of agencies specializing in surety bonds may be obtained from the National Association of Bond Producers which can be reached at (202) 686-3700.

*Andrew Rush,
Environmental Specialist III*

Editor's Note: This article was developed from information taken from The Surety Association of America's web page which can be found at www.surety.org.

Happy Holidays!

The *SMARA Update* is a quarterly publication of the Department of Conservation's Office of Mine Reclamation, 801 K Street, MS 09-06, Sacramento, California 95814, (916) 323-9198, <http://www.consrv.ca.gov/omr/index.htm>. The purpose of this publication will be that of imparting the latest in reclamation tips, as well as changes in legislation or interpretation of existing statutes by court decisions.

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